

Court of Appeals, State of Michigan

ORDER

People of MI v Frederick Lamont Terry

Docket No. 317776

LC No. 97-000790-FC

Kirsten Frank Kelly
Presiding Judge

Karen M. Fort Hood

Cynthia Diane Stephens
Judges

The delayed application for leave to appeal the March 5, 2013, order from the Wayne Circuit Court is DISMISSED for lack of jurisdiction. Because defendant previously appealed and filed a post-judgment motion for relief, he could seek relief in the circuit court only under the procedures provided by Subchapter 6.500 of the Michigan Court Rules. Defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). None of the exceptions found in MCR 6.502(G)(2) are applicable.

The motion to remand is DISMISSED.

Stephens, J., would vote to grant the delayed application to appeal.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 25 2013

Date

Chief Clerk